

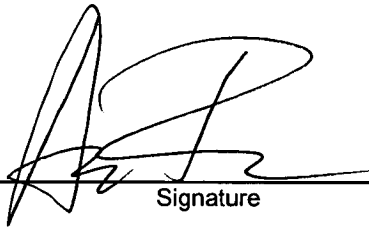
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1. Certificate of Express Mailing (1 page);
2. Transmittal Form (1 page)
3. Fee Transmittal (1 page);
4. Disclosure Submission Pursuant to 37 CFR 1.765 (2 pages);
5. Appendix A (9 pages);
6. Appendix B (7 pages);
7. Return Receipt Postcard; and
8. Original and one copy of Disclosure Submission and Appendices

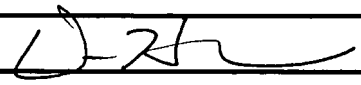
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	08/208,972
	Filing Date	03/09/1994
	First Named Inventor	Paul G. Yock
	Art Unit	
	Examiner Name	
Total Number of Pages in This Submission		Attorney Docket Number 077843.0113

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): -Disclosure Submission Pursuant to 37 CFR 1.765 -Appendices A and B -Original and one copy of Disclosure Submission and Appendices
<div style="border: 1px solid black; padding: 5px; float: right; text-align: center;"> RECEIVED DEC 11 2008 PATENT EXTENSION PLA </div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Baker Botts L.L.P.		
Signature			
Printed name	Daniel J. Hulseberg		
Date	12/11/2008	Reg. No.	36,554

CERTIFICATE OF TRANSMISSION/MAILING

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEE TRANSMITTAL for FY 2007

Complete if Known

Application Number	08/208,972
Filing Date	03/09/1994
First Named Inventor	Paul G. Yock
Examiner Name	
Art Unit	
Attorney Docket No.	077843.0113

PATENT EXTENSION
OPLA
☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 0

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

 Deposit
Account
Number
Deposit
Account
Name

02-4377

Baker Botts L.L.P.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

Extra Claim Fees

	Extra Claims	Fee	Fee Paid
Total Claims		52	\$0

Independent Claims		220	\$0
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Multiple Dependent			\$0
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SUBTOTAL \$0

Fee Description	Large Entity	Small Entity
Claims in excess of 20	52	26
Independent claims in excess of 3	220	110
Multiple dependent claim, if not paid	390	195

FEE CALCULATION (continued)

ADDITIONAL FEES

<input type="checkbox"/> Surcharge - late oath or filing fee	
<input type="checkbox"/> Non-English Specification	
<input type="checkbox"/> Extension for reply within first month	
<input type="checkbox"/> Extension for reply within second month	
<input type="checkbox"/> Extension for reply within third month	
<input type="checkbox"/> Extension for reply within fourth month	
<input type="checkbox"/> Extension for reply within fifth month	
<input type="checkbox"/> Notice of Appeal	
<input type="checkbox"/> Filing a brief in support of an appeal	
<input type="checkbox"/> Petition to revive - unavoidable	
<input type="checkbox"/> Petition to revive - unintentional	
<input type="checkbox"/> Utility Issue Fee	
<input type="checkbox"/> Design Issue Fee	
<input type="checkbox"/> Publication Fee	
<input type="checkbox"/> Petitions to the Commissioner	
<input type="checkbox"/> Request for Continued Examination (RCE)	
<input type="checkbox"/> Information Disclosure Statement (IDS)	
Other fee -	

SUBTOTAL (\$) 0

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Daniel J. Hulseberg	Registration No. (Attorney/Agent)	36,554	Telephone	212-408-2500
Signature		Date	12/11/2008		

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SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: : U.S. Patent No. 5,451,233 (U.S.S.N. 08/208,972)
Issued: : September 19, 1995 Regulatory Approval Product: XIENCE™ V EECSS
Inventors : Paul G. Yock
For : Angioplasty Apparatus Facilitating Rapid Exchanges

DISCLOSURE SUBMISSION PURSUANT TO 37 CFR § 1.765

SUBMITTED VIA EXPRESS MAIL

Mail Stop: Hatch-Waxman PTE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Further to the Disclosure Submission filed with the United States Patent and Trademark Office ("USPTO") on September 22, 2008 and October 31, 2008, Applicant formally submits herewith information and materials that may be relevant to a determination of entitlement to the extension sought pursuant to 35 U.S.C. § 156 for U.S. Patent No. 5,451,233 ("the '233 Patent"). Although not necessarily material or adverse to any such determination, the following information and materials are provided for consideration pursuant to 37 C.F.R. § 1.765.

Appendix A: Complaint filed on October 29, 2008 by Abbott Laboratories and Abbott Cardiovascular Systems, Inc. against Medtronic, Inc. and Medtronic Vascular, Inc. in connection U.S. Patent No. 5,451,233. This case has been assigned C.A. No. 08-04962 DLJ;

Appendix B: First Amended Complaint filed on November 13, 2008 by Abbott Laboratories and Abbott Cardiovascular Systems, Inc. against Medtronic, Inc. and Medtronic Vascular, Inc. in connection with C.A. No. 08-04962 DLJ (without Exhibit A thereof, which is a copy the '233 Patent and the Interim Extension of the '233 Patent that was granted on October 10, 2008);

Applicant believes the '233 Patent is eligible for an extension pursuant to 35 U.S.C. §156 based upon FDA approval of the XIENCE™ V EECSS. Applicant respectfully submits that the materials submitted herewith do not adversely impact the eligibility of the '233 Patent for such an extension. The USPTO and/or FDA are invited to contact the undersigned with any questions or requests for additional information regarding this matter.

Applicant authorizes the Commissioner to charge any fees and/or credit any overpayments associated with this submission to Baker Botts L.L.P. Deposit Account No. 02-4377, Ref. No. 077843.0113.

Date: December 11, 2008

Respectfully submitted,



Daniel J. Hulseberg
Patent Office Reg. No. 36,554
Attorneys for Applicant
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